



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

UNITED STATES.

MUNICIPAL ORDINANCES, RULES, AND REGULATIONS PERTAINING TO PUBLIC HYGIENE.

[Adopted since Jan. 1, 1910.]

BIRMINGHAM, ALA.

DUST—PREVENTION OF.

It shall be unlawful for any person, firm, or corporation to sweep or permit the sweeping of any sidewalk in the city of Birmingham within fire limits without first sprinkling same with water, or moist sawdust, or some such substance, so as to prevent the raising of dust. (Ordinance, adopted Feb. 2, 1910.)

FOODSTUFFS AND DRUGS—REGULATION OF THE SALE OF.

SEC. 1. It shall be unlawful, in the city of Birmingham, or within the police jurisdiction thereof, for any person, firm, or corporation to sell, manufacture, or offer for sale any article, food, or drug, which is adulterated or misbranded or which contains any poisonous or deleterious substance within the meaning of this ordinance.

SEC. 2. The term "drugs," as used in this ordinance shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary, for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of diseases of either man or animal. The term "food," as used herein, shall include all articles used for food, drink, confectionery, or condiment by man or animals, whether simple, mixed, or compound.

SEC. 3. That for the purpose of this ordinance an article shall be deemed to be adulterated, in case of drugs: First, if, when a drug is sold under or by a distinctive name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard strength, quality, or purity as determined by the test laid down in the United States Pharmacopœia or National Formulary, official at the time of investigation, provided that no drug defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard strength, quality or purity be plainly stated on the bottle, box, or container thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary; second, if its strength or purity shall fall below the professed standard of quality under which it was sold. In case of confectionery, if it contains terra alba, barytes, talc, chrome yellow, burnt umber, or other mineral substance, or poisonous coloring or flavoring or other ingredients detrimental to health, or any vinous, malt, or spirituous liquor, or compound or narcotic drug.

In case of food: First, if any substance has been mixed and packed with it so as to reduce, or lower, or injuriously affect its quality or strength; second, if any substance has been substituted wholly or in part for the article; third, if any valuable constituent of the article has been wholly or in part abstracted; fourth, if it be mixed, colored, powdered, coated, or strained in a manner whereby damage or inferiority is concealed; fifth, if it contains any added poisonous or other added deleterious ingredient which may render such article injurious to health; *Provided*, That when in preparations of food for shipment it is preserved by any external application applied in such manner that the preservative is necessarily removed mechanically or by maceration in water or otherwise, and directions for removal of such preservatives, giving name and component parts (in red letters) placed on the covering of the package, or on a tag securely attached to the article; the provisions of this ordinance shall be construed as applying only when said products are ready for consumption, and shipment or delivery to retail trade; sixth, if the package vessel, or bottle containing it shall be of such a composition, or carry an attachment of such a composition or metal, or alloy as will be acted upon in the ordinary course by any of the contents of the package, vessel, or bottle in

such a way as to produce an injurious, deleterious, or poisonous compound; seventh, if it consists in whole or in part of a filthy, tainted, decomposed, or putrid animal or vegetable substance or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

Sec. 4. That the term "misbranded," as used herein, shall apply to all drugs the package or label of which shall bear any statement, design, or device regarding such articles, or the ingredients or substances contained therein, which shall be false or misleading in any particular, or to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced. That for the purpose of this ordinance an article shall also be deemed misbranded, in case of drugs, first, if it be an imitation of, or offered for sale under, the name of another article; second, if the contents of the package as originally put up shall have been removed in whole or part and other contents shall have been placed in such package, or if the package fails to bear a true statement on the label, or fails to show in conspicuous letters a true statement, as is or may be prescribed by United States law or rules and regulations, of the quantity and proportion of any alcohol, spirituous, vinous, or malt liquor, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, antipyrine, or acetanilid, or any derivative or preparation of any such substances contained therein: *Provided*, That nothing in this section shall be construed to apply to such preparations as are specified and recognized by the United States Pharmacopoeia or National Formulary, or to prescriptions of licensed practitioners of medicine or dental surgery and veterinary surgeons in course of their personal practice; in case of foods, first, if it be an imitation of or offered for sale under the distinctive name of another article; second, if it be labeled or branded so as to deceive or mislead the purchaser, or purports to be a foreign product when not so, or is an imitation in a package or label of another substance of a previously established name, or which has been trade marked or patented, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fails to bear a true statement on the label in conspicuous letters of the quantity or proportion of any alcohol, morphine, malt, malt extract, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, antipyrine, or acetanilid, or any derivative or preparation of any such substance contained therein; third, if in package form and the contents are stated in terms of weight or measure they are not plainly or correctly stated on the outside of the package; fourth, if the package containing it or its label shall bear any statement, design, or device regarding the ingredients or substance contained therein, which statement, design, or device shall be false or misleading in any particular: *Provided*, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases: (a) In the case of mixtures or compounds which may be now, or from time to time hereafter, known as articles of food under their own distinctive names and not an imitation of, or offered for sale under, the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where the said article has been manufactured or produced; but in case of baking powders every can or other package shall be labeled so as to show clearly and exactly what acid salt and what amount has been used in making the same; (b) in the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated in larger letters than other printing on the package in which it is offered for sale: *Provided*, That the term "blend" as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring only: *And provided further*, That the label bear a true statement of the name of the ingredients entering into or going to make up the food sold or offered for sale in the city of Birmingham as imitations, compounds, or blends.

Sec. 5. That no dealer shall be prosecuted under the provisions of this ordinance when he can establish a guaranty signed by the wholesale jobber, manufacturer, or other party from whom he purchased such article to the effect that the same is not adulterated, or misbranded within the meaning of this ordinance, designating it. Such guaranty to afford protection shall contain the name and address of the party or parties making the sale of such article to such dealer, and in such cases the said party or parties shall be amenable to the prosecution, fines, and other penalties which would attach in due course to the dealer under the provisions of this ordinance.

Sec. 6. That the words "person" or "party" as used in this ordinance shall be construed to impart the plural and the singular as the case demands, and shall include corporations, companies, societies, and associations, and, when construing and enforcing

ing the provisions of this ordinance, the act, omission, or failure of such corporation, company, society, or association, as well as that of the person.

SEC. 7. That the police officers, meat and milk inspectors, sanitary inspectors, inspectors of weights and measures, and the city bacteriologist are hereby charged with the duties of the inspection and analysis required for the proper enforcement of this ordinance; and the examinations of specimens of food or drugs shall, when necessary, be made by the city bacteriologist and his assistants for the purpose of determining from such examinations whether articles are adulterated or misbranded within the meaning of this ordinance.

SEC. 8. That samples for analysis may be taken by such officers as are named or mentioned in this ordinance or other duly qualified officers; they shall take samples of such articles as in their opinion are below the standards of quality required in this ordinance and in the manner prescribed herein. Whenever practicable samples shall be taken in original, unbroken packages, said packages to be wrapped and tied securely and sealed over the cord with sealing wax. In case it is not practicable to take samples for analysis in original packages, as, for instance, in case of sirup or other liquids in barrels or flour barrels, such officer shall take a fair sample of the same in the presence of the seller, place it in a suitable receptacle, securely close it, number the same, and take it to the proper officer for examination and analysis. In the execution of their duties the officers charged with the enforcement of this ordinance shall have free access at all reasonable hours to any place where it is suspected that any impure foods are being manufactured, or wherein any articles of food or drugs adulterated with any deleterious or injurious foreign ingredients exists, or wherein any offense as prohibited by this ordinance is being committed by a manufacturer or seller. In taking the samples the retail price of the same must be tendered to the manufacturer or seller.

SEC. 9. That any manufacturer, seller, or person who shall impede, hinder, obstruct, or otherwise prevent or attempt to prevent any duly authorized officer in the performance of his duties in collecting samples or otherwise in connection with this ordinance shall be guilty of a violation of this ordinance.

SEC. 10. That the standards of purity for all food or drug products shall be fixed by the State commissioner of agriculture and industries and as provided by and in section 13 of an act of the Legislature of Alabama entitled "An act to regulate the sale of food and drugs in the State of Alabama, to provide for enforcement and inspectors and prescribe penalties for violations thereof," approved August 26, 1909.

SEC. 11. That the officers charged with the duty of enforcing the provisions of the ordinance may exercise discretion as to the class of products that are first subjected to rigorous inspection and analysis, but they are hereby directed as soon as possible to suppress the sale of adulterated cheese, butter, candy and condiments, vinegar, sirup and molasses, leaf lard, lard, compound lard, and cottonseed-oil by-products, and the misbranding of any such articles in the city of Birmingham.

SEC. 12. That any article of food, drugs, or liquor that is adulterated or misbranded within the meaning of this ordinance shall be liable to be proceeded against in the recorder's court having jurisdiction, and seized by confiscation by a process of libel or condemnation, and if such article is condemned as being adulterated or misbranded, or of a poisonous or deleterious character within the meaning of this ordinance, the same shall be disposed of by a destruction or sale as the court may determine and direct, and the proceeds thereof, if sold, less legal costs and charges, shall be paid into the city treasury; but such articles shall not be sold contrary to the provisions of this ordinance or the national pure-food law or the State pure-food law.

SEC. 13. That all laws and ordinances and parts of laws and ordinances of the city of Birmingham in conflict with this ordinance be, and the same are hereby, repealed.

SEC. 14. That any person who shall violate any of the provisions of this ordinance shall, upon conviction, be punished as provided by and in section 806 of the city code. (Ordinance, adopted May 4, 1910.)

WATER DEPOSITS—TO BE DRAINED OR OILED.

Any person who allows any obstruction upon his premises, or upon the premises of which he has charge or control in the city or police jurisdiction, whereby free drainage is prevented, or who creates any pool or pond of stagnant water or offensive wet place, or permits or suffers the same upon any premises, or who shall, between the 15th day of May and the 15th day of November of each year, fail to keep a coating of kerosene oil sufficient for the destruction of mosquitoes and wiggle-tails upon all water standing for a period of six hours or more upon any such premises, shall be fined not more nor less than \$100 and imprisoned at hard labor for the city not exceeding six months, one or both. This ordinance shall go into effect upon the date of its passage. (Ordinance, adopted May 18, 1910.)